

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SEPRACOR INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-113-KAJ
)	
DEY, L.P. and DEY, INC.,)	
)	
Defendants.)	

**NOTICE OF DEPOSITION AND SUBPOENA OF STEPHEN B. MAEBIUS
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 45**

PLEASE TAKE NOTICE that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Defendants Dey, L.P. and Dey, Inc. will take the oral deposition of Stephen B. Maebius at the offices of Frommer Lawrence & Haug, LLP, 1667 K Street NW, Washington, D.C., 20006, beginning at 9:00 a.m. on November 14, 2006, continuing from day to day until complete.

NOTICE IS FURTHER GIVEN THAT the deposition may be recorded stenographically through instant visual display of testimony (real-time), by certified shorthand reporter and notary public or such other person authorized to administer oaths under the laws of the United States, and shall continue from day to day until completed. This deposition also may be videotaped.

NOTICE IS FURTHER GIVEN THAT Stephen B. Maebius is instructed to produce documents, identified in the attached subpoena, at the offices of Frommer Lawrence & Haug, LLP, 1667 K Street NW, Washington, D.C., 20006 at 9:00 a.m. on November 2, 2006.

ASHBY & GEDDES

/s/ *John G. Day*

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Dated: October 11, 2006
174109.1

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Sepracor, Inc

v.

Dey, L.P. and Dey, Inc.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 06-113 KAJ

TO: Stephen B. Maebius
Foley & Lardner
3000 K Street NW, Suite 500
Washington, D.C. 20007

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF PRODUCTION	COURTROOM
	DATE AND TIME:

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF PRODUCTION	DATE AND TIME:
Frommer Lawrence & Haug, LLP 1667 K Street NW Suite 500 Washington, D.C. 20006	November 14, 2006 9 A.M.

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See Exhibit A

PLACE OF PRODUCTION	DATE AND TIME:
Frommer Lawrence & Haug, LLP 1667 K Street NW Suite 500 Washington, D.C. 20006	November 2, 2006 9 A.M.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME:

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)
(ATTORNEY FOR DEFENDANT)

Date:

11 October 2006

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT A

1. All documents and things constituting or relating in any way to the prosecution of U.S. Patent Application Nos. 08/163,581, 08/335,480, and 08/551,911 and/or any related applications.
2. All documents constituting or relating in any way to:
 - Great Britain Patent No. 1,298,494
 - Great Britain Patent No. 1,200,886
 - German Patent No. 2,128,258
3. All documents relating to the prior art considered during the prosecution of U.S. Patent Application Nos. 08/163,581, 08/335,480, and 08/551,911 and/or any related applications.
4. All documents relating to searches for the prior art considered during the prosecution of U.S. Patent Application Nos. 08/163,581, 08/335,480, and 08/551,911 and/or any related applications.
5. All correspondence with the PTO regarding U.S. Patent Application Nos. 08/163,581, 08/335,480, and 08/551,911 and/or any related applications.
6. All documents relating to both Sepracor and albuterol.
7. All documents referring or relating to both Sepracor and one or both of the isomers of albuterol.

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of October, 2006, the attached **NOTICE OF DEPOSITION AND SUBPOENA OF STEPHEN B. MAEBIUS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 45** was served upon the below-named counsel of record at the address and in the manner indicated:

Richard D. Kirk, Esquire
The Bayard Firm
222 Delaware Avenue, Suite 900
P.O. Box 25130
Wilmington, DE 19899

HAND DELIVERY

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VIA FEDERAL EXPRESS

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VIA FEDERAL EXPRESS

/s/ John G. Day

John G. Day